



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,110	07/12/2005	Toni Paila	4208-4233	7098
27123	7590	08/14/2008		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER ZEWDU, MELESS NMN	
			ART UNIT	PAPER NUMBER
			2617	
			NOTIFICATION DATE	DELIVERY MODE
			08/14/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOPatentCommunications@Morganfinnegan.com
Shopkins@Morganfinnegan.com
jmedina@Morganfinnegan.com

DETAILED ACTION

Courtesy Response

1. This action is a courtesy response intended to clarify issues raised by applicant in the current amendment.
2. This is an advisory action.

REMARKS: consider the following:

I. **Regarding the drawing objections:** the objection is partially withdrawn and partially upheld. The objection directed to “display” and “category” has been withdrawn. The objection directed to unlabeled boxes is upheld because of the boxes in fig. 3, row ‘Y’ or in block 40 have not been labeled. Examiner suggests to label those empty boxes as ‘Y1, Y2, ---. Furthermore, the new labeling of the first horizontal line as “second level” and the second horizontal line as “first level” in the amended drawing of figure 3 is objected since there is no support for such designation in the specification.

II. **Regarding the objection to the specification/Rejection of claims 1, 2, 7-10, 13, 14, 19 and 23-25 under 35 U.S.C. § 112, ¶ 1:** applicant cited page 5, lines 10-24 and page 8, lines 13-27, as supporting the claimed feature, “wherein the first level is lower than the second level” in the hierarchy of broadcasting or multicasting one or more announcements. However, page 5, lines 10-24, reads as follows:---- Each announcement also includes information identifying the number of messages on the

Art Unit: 2617

lower level and relating to the category, and time out value. The time out value may be set at a value dependent on, for example equal to, the minimum time between updates in the lower level messages. Also included are the starting and stopping times of the sending of the service and the transport format, for example sap sdp. Announcement messages at the lower level give the transport protocol (e.g. RTP/UDP/IP) and the format of the media.

The IP session announcements may describe the above listed information in any convenient manner. For example, the 'count' and timeout' parameters could be included in the "cat" attributes of an SDP message, e.g. "a=cat:x.y.z. 10 20" means pointer to category "x.y.z" with 'count' 10 'timeout' 20. Alternatively, this information could be included in an SDP media field "m", e.g. as "m=application 9889 sap sdp 10 20".

The text on page 8, lines 13-27 of the specification reads as follows: --- Referring to Figure 3, the terminal 30 starts at A by controlling its DVB to receive a root level message RM, i.e. a highest level IP session announcement, corresponding to the required category. The message RM includes all the information about the announcements on a lower level, typically the level immediately below the root level, as described above with reference to Figure 1. From the root message RM, the terminal 30 determines at step B that its DVB receiver 35 should receive announcement messages from channel X having a now known IP address and port, and controls the transceiver 32, as well as the receiver, accordingly. The terminal 30 also knows from the root message RM that there are three different messages on the channel X and that the timeout value is fifteen seconds. At step C, the DVB receiver 35 then receives three

Art Unit: 2617

announcement messages, in the form of messages X1, X2 and X3, before ceasing receiving messages. It will be understood that channel X may be on the same or a different physical channel to that on which the root message RM is transmitted, and that it may be a different multicast group. (Emphasis added). Examiner does not find a reading in this text supporting the claimed feature, "wherein the first level is lower than the second level", in a hierarchical broadcasting or multicasting one or more announcements. Therefore, the feature in question remains treated as a new matter.

Regarding the rejection of claims 1-5, 7-16, 19 and 23-25 under 35 U.S.C. § 103 as being unpatentable over Bell in view of Chernock, consider the following:

In disputing the above rejection, applicant asserts --- in rejecting claim 1, the examiner apparently considers that baseball statistics disclosed in Chernock (see, e.g., column 10, lines 51-56) constitute the "quantity of announcement information" of claim 1. Applicant respectfully submit that this is based on upon a strained interpretation of claim 1, which is not supported by the specification, and thus is both unreasonable and improper. In particular, the term "data indicating the quantity of announcement information constituting the one or more first level announcements", as recited in claim 1, clearly and unambiguously denotes the quantity of the announcement information, not a quantity included within the announcement information. At page 8, lines 21-23, of the instant application, the example given of a quantity of announcement information is three messages, i.e., the quantity is three. Although not mentioned in the specification, it is perhaps within the scope of claim 1 that the quantity could be expressed, e.g., as a

Art Unit: 2617

number of bytes. However, is not within the scope of claim 1 or the instant disclosure that the quantity of announcement information is only a value (e.g., a baseball statistic) that is included within the announcement itself. Applicant then concludes by saying --- since Chernock fails to teach or suggest the “data indicating the quantity of announcement information” feature of claim 1, the combination of Bell and Chernock does not render claim 1 obvious.

Examiner respectfully disagrees with the argument. The teaching of Chernock is directed to a personalized data delivery system (see abstract) wherein the data is delivered in a hierarchical fashion wherein the next level includes more detail information than the level above it (see col. 9, lines 22-57, including table 1) and the information includes at least, – details regarding the source of the information, number of information choices displayed, etc. Thus the argument that it is directed to baseball statistics does not apply to the cited portion. The portion applicant cited in Chernock (col. 10, lines 51-56) rather shows baseball statistics and other related information, as an additional and optional service. In conclusion, examiner does not find the argument convincing and thus has the rejection stand.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N. Zewdu whose telephone number is (571) 272-7873. The examiner can normally be reached on 8:30 am to 5:00 pm..

Art Unit: 2617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bost Dwayne D can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

/Meless N Zewdu/
Primary Examiner, Art Unit 2617
8/13/2008